

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE ENROLLED ACT No. 383

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AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 9-13-2-6.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.1. "Autocycle" means a three (3) wheeled motor vehicle in which the operator and passenger ride in a completely or partially enclosed seating area that is equipped with:**

- (1) a rollcage or roll hoops;**
- (2) safety belts for each occupant; and**
- (3) antilock brakes;**

**and is designed to be controlled with a steering wheel and pedals.**

SECTION 2. IC 9-13-2-108, AS AMENDED BY P.L.221-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 108. "Motorcycle" means a motor vehicle with motive power that:**

- (1) has a seat or saddle for the use of the rider;**
- (2) is designed to travel on not more than three (3) wheels in contact with the ground; and**
- (3) satisfies the operational and equipment specifications described in 49 CFR 571 and IC 9-19.**

The term **includes an autocycle**, but does not include a farm tractor or a motor driven cycle.

SECTION 3. IC 9-19-7-1, AS AMENDED BY P.L.221-2014,

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SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) This section does not apply to an individual who is operating or riding in an autocycle.**

**(b)** An individual less than eighteen (18) years of age who is operating or riding on a motorcycle or motor driven cycle on the streets or highways shall do the following:

(1) Wear a helmet that meets the standards established by the United States Department of Transportation under 49 CFR 571.218 as in effect January 1, 1979.

(2) Wear protective glasses, goggles, or transparent face shields.

SECTION 4. IC 9-19-7-2, AS AMENDED BY P.L.221-2014, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, a motorcycle or motor driven cycle operated on the streets or highways by a resident of Indiana must meet the following requirements:

~~(1) Be equipped with handlebars that rise not higher than the shoulders of the driver when the driver is seated in the driver's seat or saddle.~~

~~(2) (1)~~ Be equipped with brakes in good working order on both front and rear wheels.

~~(3) (2)~~ Be equipped with footrests or pegs for both operator and passenger.

~~(4) (3)~~ Be equipped with lamps and reflectors meeting the standards of the United States Department of Transportation.

(b) A motorcycle or motor driven cycle manufactured before January 1, 1956, is not required to be equipped with lamps and other illuminating devices under subsection (a) if the motorcycle or motor driven cycle is not operated at the times when lighted head lamps and other illuminating devices are required under IC 9-21-7-2.

**(c) An autocycle is not required to be equipped with footrests or pegs under subsection (a).**

SECTION 5. IC 9-21-3-7, AS AMENDED BY P.L.206-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows successively, one (1) at a time or in combination, only the colors green, red, or yellow may be used, except for special pedestrian signals under IC 9-21-18.

(b) The lights indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication means the following:



- (A) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at the place prohibits either turn.
  - (B) Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent sidewalk at the time the signal is exhibited.
  - (C) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the green arrow or other movement permitted by other indications shown at the same time.
  - (D) Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
  - (E) Unless otherwise directed by a pedestrian control signal, pedestrians facing a green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within a marked or unmarked crosswalk.
- (2) Steady yellow indication means the following:
- (A) Vehicular traffic facing a steady circular yellow or yellow arrow signal is warned that the related green movement is being terminated and that a red indication will be exhibited immediately thereafter.
  - (B) A pedestrian facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal, is advised that there is insufficient time to cross the roadway before a red indication is shown, and a pedestrian may not start to cross the roadway at that time.
- (3) Steady red indication means the following:
- (A) Except as provided in clauses (B) and (D), vehicular traffic facing a steady circular red or red arrow signal shall stop at a clearly marked stop line. However, if there is no clearly marked stop line, vehicular traffic shall stop before entering the crosswalk on the near side of the intersection. If there is no crosswalk, vehicular traffic shall stop before entering the intersection and shall remain standing until an indication to proceed is shown.
  - (B) Except when a sign is in place prohibiting a turn described in this subdivision, vehicular traffic facing a steady red signal, after coming to a complete stop, may cautiously enter the intersection to do the following:



- (i) Make a right turn.
- (ii) Make a left turn if turning from the left lane of a one-way street into another one-way street with the flow of traffic.

Vehicular traffic making a turn described in this subdivision shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

(C) Unless otherwise directed by a pedestrian control signal pedestrians facing a steady circular red or red arrow signal may not enter the roadway.

(D) **This clause does not apply to the operation of an autocycle.** If the operator of a motorcycle, motorized bicycle, motor scooter, or bicycle approaches an intersection that is controlled by a traffic control signal, the operator may proceed through the intersection on a steady red signal only if the operator:

- (i) comes to a complete stop at the intersection for at least one hundred twenty (120) seconds; and
- (ii) exercises due caution as provided by law, otherwise treats the traffic control signal as a stop sign, and determines that it is safe to proceed.

(4) No indication or conflicting indications means the following:

(A) Except as provided in clause (C), vehicular traffic facing an intersection having a signal that displays no indication or conflicting indications, where no other control is present, shall stop before entering the intersection.

(B) After stopping, vehicular traffic may proceed with caution through the intersection and shall yield the right-of-way to traffic within the intersection or approaching so closely as to constitute an immediate hazard.

(C) Vehicular traffic entering an intersection or crosswalk facing a pedestrian hybrid beacon may proceed without stopping if no indication is displayed on the pedestrian hybrid beacon.

(5) This section applies to traffic control signals located at a place other than an intersection. A stop required under this subdivision must be made at the signal, except when the signal is supplemented by a sign or pavement marking indicating where the stop must be made.

SECTION 6. IC 9-21-10-3, AS AMENDED BY P.L.221-2014, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A person who operates a motorcycle or



motor driven cycle may not carry a package, bundle, or other article that prevents the person from keeping both hands on the handlebars **or steering wheel.**

SECTION 7. IC 9-21-10-4, AS AMENDED BY P.L.221-2014, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) Except as provided in subsection (b),** a person may not drive, operate, or ride as a passenger on a motorcycle or Class A motor driven cycle in a position other than astride the seat or saddle provided.

**(b) A person may not drive, operate, or ride as a passenger in an autocycle in a position other than on a seat.**

SECTION 8. IC 9-21-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A motorcycle is entitled to the full use of a traffic lane and a vehicle may not be driven or operated in a manner that deprives another vehicle of the full use of a traffic lane. Motorcycles, **other than autocycles,** may, with the consent of both persons who operate the motorcycles, be operated with not more than two (2) abreast in a single traffic lane.

SECTION 9. IC 9-21-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in subsection (b) and except where angle parking is permitted by local ordinance for streets under local control and by order of the Indiana department of transportation on streets and highways in the state highway system, including routes through cities and towns, a vehicle stopped or parked upon a roadway where there is an adjacent curb must be stopped or parked with the right-hand wheels of the vehicle parallel with and within twelve (12) inches of the right-hand curb.

**(b) This subsection does not apply to an autocycle.** A motorcycle stopped or parked upon a roadway where there is an adjacent curb may be stopped or parked with the rear wheel of the motorcycle to the curb and with the front tire facing the flow of traffic.

SECTION 10. IC 9-24-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. The operator of an autocycle is not required to hold a motorcycle learner's permit or motorcycle endorsement.**

SECTION 11. IC 9-24-10-4, AS AMENDED BY P.L.85-2013, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in subsection (c), an examination for a learner's permit or driver's license must include the following:



(1) A test of the following of the applicant:

(A) Eyesight.

(B) Ability to read and understand highway signs regulating, warning, and directing traffic.

(C) Knowledge of Indiana traffic laws, including IC 9-26-1-1.5.

(2) An actual demonstration of the applicant's skill in exercising ordinary and reasonable control in the operation of a motor vehicle under the type of permit or license applied for.

(b) The examination may include further physical and mental examination that the bureau finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon Indiana highways. The applicant must provide the motor vehicle used in the examination. **An autocycle may not be used as the motor vehicle provided for the examination.**

(c) The bureau:

(1) may waive the actual demonstration required under subsection

(a)(2) for a person who has passed a driver's education class and a skills test given by a driver training school or driver education program given by an entity licensed under IC 9-27; and

(2) may waive the testing, other than testing under subsection (a)(1)(A), of an applicant who has passed:

(A) an examination concerning:

(i) subsection (a)(1)(B); and

(ii) subsection (a)(1)(C); and

(B) a skills test;

given by a driver training school or an entity licensed under IC 9-27.

(d) The bureau shall adopt rules under IC 4-22-2 specifying requirements for a skills test given under subsection (c) and the testing required under subsection (a)(1)(B) and (a)(1)(C).

(e) An instructor having a license under IC 9-27-6-8 who did not instruct the applicant for the license or permit in driver education is not civilly or criminally liable for a report made in good faith to the:

(1) bureau;

(2) commission; or

(3) driver licensing medical advisory board;

concerning the fitness of the applicant to operate a motor vehicle in a manner that does not jeopardize the safety of individuals or property.

**SECTION 12. An emergency is declared for this act.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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